

Congress of the United States
Washington, DC 20510

November 2, 2020

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Wheeler:

We write to urge you to approve the recommendation that the Ozone Transport Commission (OTC) submitted to you on June 8, 2020 regarding Maryland's request that Pennsylvania undertake certain control measures to reduce nitrogen oxides (NO_x) emissions that affect air quality and public health in Maryland. We urge you to act expeditiously to review the recommendation, as required by Clean Air Act (CAA) Section 184(c), and issue a finding in support of the OTC recommendation.

The multi-state OTC and the Maryland Department of the Environment have documented that despite Maryland's efforts to mitigate tropospheric ozone pollution, Maryland is unable to meet federal air quality standards unless Pennsylvania reduces its emissions. We note that the OTC recommended that Pennsylvania implement its recommendations in time to reduce levels during the summers of 2020 and 2021. Prompt action by EPA is required to ensure that the measures are implemented quickly to bring the associated ozone levels within the 2015 ozone standard.

As EPA undertakes the requirements for notice, review, and consultation leading up to its decision on whether to approve the OTC recommendation, as required under CAA Sec. 184(c), we would like to convey to you the importance that we attribute to the recommendation. Approximately 30 million people living in the Northeast breathe air that fails to meet the current 2015 ozone national ambient air quality standard (NAAQS) of 70 parts per billion (ppb). As a result, large areas of the region are designated as nonattainment for ozone, including all or portions of Connecticut, Delaware, the District of Columbia, Maryland, New Jersey, New York, Pennsylvania, and Virginia.

In its assessment of ozone transport, EPA has identified emissions from Pennsylvania as significantly contributing to high ozone in each of the states failing to meet the 2015 ozone NAAQS.¹ The OTC notes that Pennsylvania contributes significantly to four downwind nonattainment areas in the OTC including Washington D.C., Baltimore, Philadelphia, and New York City. During the summer of 2018, NO_x emissions from coal-fired electricity generating

¹ Policy and Technical Rationale Supporting OTC's Recommendation for Additional Control Measures Under CAA Section 184(c), June 2020, p. 2, at <https://otcair.org/upload/Documents/Formal%20Actions/20200605%20OTC%20184c%20Recommendation%20to%20EPA%20w%20attachments%20and%20cvt%20ltr-final.pdf>

units (EGUs) in Pennsylvania equipped with Selective Catalytic Reduction (SCR) and Selective Non Catalytic Reduction (SNCR) were four times greater than the NOx emissions from coal-fired EGUs in Delaware, New Jersey and Maryland combined.

The Commission recommends that EPA require Pennsylvania to revise the PA State Implementation Plan to include additional control measures which would establish daily limits to minimize NOx emissions for all coal-fired EGUs with already-installed SCR or SNCR control technology to ensure that these technologies are optimized to minimize NOx emissions each day of the ozone season.² This recommendation is clearly fair and reasonable, as it would require control measures undertaken by Pennsylvania to be as stringent as any one of three rules adopted by Delaware, Maryland, and New Jersey that establish daily limits designed to optimize the use of SCR and SNCR control technologies to minimize NOx emissions each day of the ozone season. This recommendation aligns with the petition that Maryland submitted to the OTC on May 30, 2019. The Maryland petition asserts that daily limits to minimize NOx emissions from coal-fired EGUs in Pennsylvania are necessary to bring areas in the Ozone Transport Region into attainment by the dates mandated by the CAA.

We believe that the OTC recommendation is a fair and effective way to reduce harmful NOx emissions. We urge you to exercise EPA's duty to enforce the CAA by issuing a finding consistent with the OTC recommendation to help ensure that Pennsylvania will undertake these measures within a reliable timeframe, thereby minimizing any further harm to public health and the environment and enabling Maryland to attain the 2015 NAAQS.

We request that you hold the hearing immediately in accordance with the Agency's best practices for conducting virtual public hearings and meetings and ensure that EPA complies with CAA requirements regarding its response to the OTC recommendation. This includes ensuring that by March 8, 2021 (within nine months after the receipt date), EPA shall make a determination, inform the Commission and affected states, and publish its determination in the Federal Register.

We request that this letter be entered into the record as part of the public comments submitted to the Agency. Thank you for considering our views on this important matter.

Sincerely,

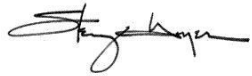


Benjamin L. Cardin
United States Senator



Chris Van Hollen
United States Senator

² 85 FY 41972 85 at <https://www.federalregister.gov/documents/2020/07/13/2020-15005/ozone-transport-commission-recommendation-that-epa-require-daily-limits-for-emissions-of-nitrogen>



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